

**REMARKS/ARGUMENTS**

Applicant thanks the Examiner for initialing reference number GB 2 235 800 A on the Information Disclosure Statement ("IDS") as having been considered and including a copy of the IDS in the most recent Office Action dated September 7, 2007.

Claims 1-25 are currently pending in the application. In the most recent Office Action, all claims except for Claim 9, were listed in the Detailed Action as having been rejected as obvious over prior art pursuant to 35 USC 103. In addition, the Detailed Action listed Claims 7 and 10-24 as rejected under the first paragraph of 35 USC 112 for failure to comply with the written description requirement.

The rejections in the Office Action under 35 USC 103 and 112 listed in the Detailed Action are addressed below. Regarding Claim 9, the Detailed Action does not discuss this claim and applicant hereby requests an explanation as to why the claim is not allowed and an opportunity to respond to any rejection.

***35 USC 112 Rejections***

With respect to the written description requirement, the Office Action concluded that there was no support for the recitation in Claims 7 and 16 of "providing a menu adapted for individual passengers" in which the menu is "based on explicit preordering and historical preference".

Applicant respectfully traverses this conclusion as there is substantial support in the specification and drawings. For instance, support is found in the following passages in the written description (parenthetical numerals identify the paragraph number containing each quoted passage in the application as published by the USPTO ):

[0005] With the option to pre-purchase product via the Internet or at Gate Kiosks, product flow is controlled thereby allowing a broader range of products tailored to specific tastes...

[0051] ...The software module for customer orders 512 allows the customer to pre-purchase various products. The range of products offered depends on how far in

1 advance the customer executes this pre-purchase. If pre-purchase is via the Internet,  
2 the product range is determined by base stores and the logistics of positioning the  
3 product to the relevant terminal. If the order is made at the Gate Kiosk 20a,b, the  
4 product range is determined by stores at that terminal. And finally, product ordered  
5 on the aircraft is restricted to vehicle-level stores.

6 [0053] ...The reservation data configures the Floppy Code for use onboard and the  
7 user is ready to receive pre-selected products and services without making any  
8 further request to the cabin attendant. On board the initialization sequence displays  
9 the requested services.

10 [0058] The module called PAX\_service\_menu 113 provides the functionality to  
11 manage service. It provides the menus to show the status of current requests and cost  
12 data together with the interface to make new service requests... The logic for  
13 PAX\_service menu 155 is illustrated in FIG. 12b and reflects the option of  
14 requesting service 158 where status and cost data are returned 159 by the Cabin  
15 Server 14 and the option of initializing new requests 156 where new service may be  
16 established or credit card information verified 157 by the Cabin Server.

17 [0061] ...In both of these cases the passenger is ready to receive pre-selected  
18 products and services without making any further request to the cabin attendant. If  
19 pre-ordering is not possible, the passenger may initiate service with the cabin  
20 attendant after boarding.

21 [0063] In FIG. 8a... The input and output flow indicated in block 203  
22 hh\_windows\_menu is the user interface via the Graphical User Interface (GUI)  
23 provided with the OS...

24 [0065] The module called HH\_pax\_service 212 provides the functionality to manage  
25 service. It provides the menus to show the status of current requests and cost data for  
26 each passenger together with the interface to make new service requests. The OS  
27 routines 213 provide the conversion to viewable information, pax\_windows\_menu  
28 or network information pax\_cab\_traffic...

29 [0076] The Inventory & Services Server 18... provides a data warehouse architecture  
30 and implements data mining and other data analyses. The Inventory & Services  
31 Server is also a member of the airline or other company network so that the analysis  
32 and Gate Kiosk functions may be distributed within the company and on the Internet  
33 as appropriate.

34 [0077] ...Terminal level stores located a[t] departure locations stock a subset  
35 appropriate to the location and are dynamically augmented to fulfill specific  
36 customer orders. Vehicle level stores are a subset of Terminal level stores and are  
37 appropriate to a particular trip. They are also dynamically augmented to fulfill  
38 specific customer orders. Prior to departure the Inventory Client 19 is used in  
39 conjunction with inventory control software on the Inventory & Services Server 18  
40 to move inventory from Base level stores to Terminal level stores and subsequently  
41 to create a vehicle package comprising standard Vehicle level stores plus pre-  
42 ordered product...

43 [0083] ...The logic for ISS\_data\_war[c]house 470 is illustrated in FIG. 15c. In the  
44 generic analysis mode 471, inventory and customer records are mined for inventory  
45 planning 472 and in the customer analysis mode 473, the data is mined for specific

1 customer preferences that may be used to support smart menu options at the Gate  
2 Kiosks or other customer specific services 474.

3 Support is also provided in the drawing figures. As described in paragraph [0083],  
4 FIG. 15c illustrates logic for a module (470) of a ground-based data warehouse server (411).  
5 The logic (470) includes a generic analysis mode (471) and a customer analysis mode (473).  
6 In the generic analysis mode, inventory and customer records are mined for inventory  
7 planning (472). In the customer analysis mode (473), the data is mined for specific customer  
8 preferences that may be used to support smart menu options.

9 FIG. 7a illustrates external information flow as described in paragraph [0055]. The  
10 information is to network members and the user. Block (104) in FIG. 7a, containing the label  
11 "pax\_windows\_menu," indicates information input and output flow to the user interface via a  
12 graphical user interface provided with the installed operating system (OS). FIG. 7b as  
13 described in paragraph [0056] is a diagram of passenger laptop data flow (110) showing  
14 software architecture and the flow of data. As stated in paragraph [0056], [t]he software  
15 comprises three basic modules in addition to the installed OS 114 called PAX\_OS\_routines  
16 that provide the GUI, Internet Browser, and the network transfer functionality."

17 In addition, the above amendment revises the at-issue recitation to use language more  
18 closely corresponding to that used in the written description. In particular, Claims 7 and 16 as  
19 currently revised by the above amendment recite "menu options adapted for specific  
20 customer preferences that vary based on pre-selected products and services and historical  
21 preference". As discussed above, paragraph [0083] teaches that "data is mined for specific  
22 customer preferences that may be used to support smart menu options". Paragraph [0051]  
23 discloses pre-purchases of various products by the customer. Paragraph [0053] discloses  
24 configuring code which enables the user ready to receive "pre-selected products and  
25 services" and that onboard "the initialization sequence displays the requested services."  
26

1 In view of the above, it is respectfully submitted that there is sufficient support for  
2 Claims 7 and 16 as amended. If the revisions to Claim 7 and 16 made by the above  
3 amendment are concluded to be insufficient to overcome the 35 USC 112 rejections,  
4 applicant requests a suggestion from the Examiner of language that will be deemed to be  
5 satisfactory.

6 As stated in MPEP 2106(II) "[w]henver practicable, \*USPTO< personnel should  
7 indicate how rejections may be overcome and how problems may be resolved" (emphasis in  
8 original). As further stated therein, "[a] failure to follow this approach can lead to  
9 unnecessary delays in the prosecution of the application." In this regard, there has been  
10 substantial delay in the prosecution of the present application due to no fault of the applicant,  
11 and the applicant is interested in expediting prosecution as much as possible to avoid further  
12 delay and hereby requests the aid of the Examiner in accordance with MPEP 2106(II).

13  
14 *Amendments to the Specification*

15 In the course of identifying support for the revisions to Claims 7 and 16,  
16 typographical errors were noted in paragraphs [0077] and [0083] of the specification. The  
17 above amendment corrects these errors.

18  
19 *35 USC 103 Rejections*

20 Claim 1 was rejected in the Office Action as obvious over US Patent No. 5,311,302  
21 to Berry et al. in view of US Patent No. 5,444,444 to Ross. Berry was cited in the rejection of  
22 Claim 1 in the previous Office Action in combination with another patent.

23 As discussed in response to the previous Office Action, Berry discloses an  
24 interactive video entertainment and data management system (10) for a passenger vehicle,  
25 such as an aircraft. In particular, Berry teaches at Col. 3, lines 4-11, providing a central  
26 terminal (12) with a remote video terminal mounted in the seatback (16) of each passenger

1 seat in an aircraft. Alternatively, remote video terminals (80) may be provided in an armrest  
2 console (84) of a passenger seat as shown in FIG. 6.

3 The present Office Action acknowledges however, that "Berry does not explicitly  
4 teach an external computer not transported with the vehicle" nor the recitations in paragraph  
5 (b) through the end of currently pending Claim 1. For this reason, the present Office Action  
6 cites Ross in a new ground of rejection and asserts that Ross teaches the foregoing recitations.

7 As can be seen from the title of the patent, Ross is directed to an apparatus and  
8 method for notifying a recipient of an unscheduled delivery. A preferred embodiment of such  
9 an apparatus includes a delivery vehicle having a controller (10) as indicated in FIGS. 1 and 3  
10 and described at Col. 3, lines 25-29. A video screen (14) in the delivery vehicle displays  
11 information such as a "delivery route list, directions, special instructions, and delivery  
12 locations" as disclosed at Col. 3, lines 37-40.

13 The apparatus further includes communications apparatus (20) for communications to  
14 a selected one of a plurality of recipients (21) of articles and packages to be delivered by the  
15 operator of that particular delivery vehicle as taught at Col. 3, lines 56-65. The  
16 communication apparatus (20) in addition communicates with a central controller that is  
17 preferably a main-frame computer. The central controller (22) communicates through a  
18 multiplexer with a plurality of controllers (10), with each controller (10) being in one of the  
19 delivery vehicles for a delivery company as taught at Col. 3, line 65 to Col. 4, line 7.

20 The Office Action asserts that the central controller (22) meets the recitation of an  
21 external computer not transported with the vehicle. In addition, the Office Action asserts that  
22 that the disclosure in Ross at Col. 3, lines 65 through Col. 4, line 22, meets all of the  
23 recitations of paragraph (C) in Claim 1, including the three subparagraphs (i) through (iii).

24 The foregoing cited portion of Ross is the only disclosure in the patent specification  
25 that mentions the central controller (2). This portion of Ross is reproduced below:  
26

1 The communications apparatus also provides a path for communicating delivery  
2 status information between the controller 10 in the delivery vehicle and a central  
3 controller 22.

4 The central controller 22 is preferably a main-frame computer or the like. The  
5 central controller 22 preferably is located at a stationary facility such as company  
6 offices for the delivery company. The central controller 22 communicates through  
7 a multiplexer with a plurality of controllers 10, each in one of the delivery vehicles  
8 for the delivery company. The central controller 22 includes peripheral devices for  
9 entering information to the controller, such as a keyboard 24. Other peripheral  
10 devices such as card readers and scanners, can likewise be used to enter information  
11 to the controller 22. Information maintained by the controller 22 is displayed on a  
12 video screen 26. Written reports of information are produced on a printer (not  
13 illustrated) attached to the controller 22. The controller accesses a storage device  
14 28, such as a high speed magnetic disk drive. The storage device 28 maintains  
15 information such as route, package identification, recipient name and address,  
16 phone numbers and the like. The central controller 22 therefore is an electronic  
17 complex for coordinating and monitoring the delivery schedules of the various  
18 routes travelled by the carrier.

19 As can be seen from the above cited-portion of Ross, there is no disclosure of the  
20 central controller (22) "acquiring information to determine the available services provided on  
21 the transport vehicle" as recited in subparagraph (i) of Claim 1. The suggestion in Ross is that  
22 the central controller (22) would NOT be "acquiring information to determine the available  
23 services provided on the transport vehicle" because there is only one service available, i.e.,  
24 delivery of packages. Ross therefore teaches away from the claimed invention.

25 In addition there is no disclosure in Ross of the central controller "managing the  
26 delivery of services to the transport vehicle" as recited in subparagraph (ii) of Claim 1. To the  
27 contrary, the management of delivery of services in Ross is *from* the transport vehicle, not *to*  
28 the transport vehicle as recited in Claim 1. Once again, Ross teaches away from the claimed  
29 invention. As discussed in MPEP 2145, "[a] prior art reference that 'teaches away' from the  
30 claimed invention is a significant factor to be considered in determining obviousness".

31 As stated in MPEP 2142, quoting from *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat.  
32 App. & Inter. 1985) (emphasis added):

33 To support the conclusion that the claimed invention is directed to obvious subject matter,  
34 either the references must expressly or impliedly suggest the claimed invention or the  
35 examiner must present a *convincing line of reasoning* as to why the artisan would have  
36 found the claimed invention to have been obvious in light of the teachings of the references.

1 The cited references do NOT expressly or impliedly suggest the claimed invention.  
2 Specifically, the Office Action admits that "Berry does not explicitly teach an external  
3 computer not transported with the vehicle" nor the recitations in paragraph (b) through the  
4 end of currently pending Claim 1. As shown above, there is no disclosure in Ross of the  
5 central controller (22) "acquiring information to determine the available services provided on  
6 the transport vehicle" as recited in subparagraph (i) of Claim 1. In addition there is no  
7 disclosure in Ross of the central controller "managing the delivery of services to the transport  
8 vehicle" as recited in subparagraph (ii) of Claim 1.

9 The suggestion in Ross is that the central controller (22) would NOT acquire  
10 "information to determine the available services provided on the transport vehicle" because  
11 there is only one service available, i.e., delivery of packages. Further, the management of  
12 delivery of services in Ross is from the transport vehicle, not to the transport vehicle as  
13 recited in Claim 1.

14 The reasoning presented in the Office Action is that one would have been motivated  
15 to combine Berry and Ross is "in order to monitor and coordinate delivery of product to [a]  
16 recipient". However, this reasoning is not convincing.

17 Ross teaches an apparatus and method for making unscheduled deliveries, while  
18 Berry discloses an interactive video entertainment and data management system especially  
19 adapted for commercial passenger aircraft. A person of ordinary skill in the art would not be  
20 interested in applying Ross to Berry because access to commercial passenger aircraft is  
21 restricted to prevent terrorism. Airports are not going to allow unscheduled deliveries of  
22 packages to aircraft passengers as this would greatly compromise security.

23 Section 2142 of the MPEP provides that "[t]he examiner bears the initial burden of  
24 factually supporting any *prima facie* conclusion of obviousness" (emphasis in original).  
25 MPEP 2142 further lists three basic requirements that must be met to establish a *prima facie*  
26 case of obviousness:

1 First, there must be some suggestion or motivation, either in the references themselves or in the  
2 knowledge generally available to one of ordinary skill in the art, to modify the reference or to  
3 combine reference teachings. Second, there must be a reasonable expectation of success.  
4 Finally, the prior art reference (or references when combined) must teach or suggest all the  
5 claim limitations.

6 As shown above, there is no suggestion or motivation to combine the references. A  
7 person of ordinary skill in the art would not be motivated to combine the references because  
8 there is not a reasonable expectation of success. Due to security regulations, authorities are  
9 not going to allow a service as taught in Ross to make unscheduled delivery of packages to  
10 recipients on aircraft. Finally, even if Berry and Ross are combined, the combination still  
11 does not teach or suggest all of the recitations of Claim 1 because Ross does not teach what is  
12 alleged to be taught in the Office Action, i.e., "acquiring information to determine the  
13 available services provided on the transport vehicle" and "managing the delivery of services  
14 to the transport vehicle". Therefore the Office Action has failed to establish a prima facie  
15 case of obviousness.

16 Accordingly, reconsideration and withdrawal of the rejection of Claim 1 is respectively  
17 reconsidered. Likewise, the same is requested for Claims 2-6 and 25, which each depend  
18 directly or indirectly from Claim 1 and thereby incorporate all of the recitations of Claim 1 by  
19 reference and thereby distinguish over the cited art for at least the same reasons.

20 Claim 7 is rejected in the Office Action as obvious over Berry in view of US Patent No.  
21 5,850,433 to Rondeau. The Office Action acknowledges that "Berry does not explicitly teach  
22 providing a menu adapted for individual passengers that varies based on explicit preordering  
23 and historical preference." The Office Action therefore cites the abstract of Rondeau and  
24 asserts that the patent "teaches customizing customer menu[s] based on historical usage".  
25 Based on this, the Office Action concludes that it would have been obvious "to modify Berry  
26 to include this step" and that the motivation for doing so would be to "personalize the menu  
presented to the passenger based on the [the] passenger's profile."



1 According to the title and Col. 1, lines 5-7 and 54-55, Rondeau is directed to a system  
2 and method for providing an on-line, electronic directory service. According to the abstract,  
3 the directory service maintains a database and "develops individual customer profiles for  
4 individual customers and stores these profiles in the database." The profiles include historical  
5 directory usage information and may be used to customize menu screens and search results  
6 provided to a customer.

7 As discussed earlier, Claim 7 has been revised by the above amendment to use language  
8 more closely corresponding to that used in the written description. In this regard, there is no  
9 teaching in Rondeau of "providing menu options adapted for specific customer preferences  
10 that vary based on pre-selected products and services and historical preference" as recited in  
11 the currently amended claim. More particularly, there is no teaching or suggestion in  
12 Rondeau that customers may pre-select products and services in which menu options are  
13 provided "that vary based on pre-selected products and services *and* historical preference"  
14 (emphasis added).

15 As discussed above in connection with Claim 1, MPEP 2142 provides three basic  
16 requirements that must be met to establish a prima facie case of obviousness:

17 First, there must be some suggestion or motivation, either in the references themselves or in the  
18 knowledge generally available to one of ordinary skill in the art, to modify the reference or to  
19 combine reference teachings. Second, there must be a reasonable expectation of success.  
Finally, the prior art reference (or references when combined) must teach or suggest all the  
claim limitations.

20 The cited combination of Berry and Rondeau does not teach or suggest providing menu  
21 options "that vary based on pre-selected products and services and historical preference" and  
22 therefore does not meet all of the recitations of Claim 7.

23 With respect to the suggestion or motivation for modifying or combining references, as  
24 also stated in MPEP 2142 and discussed above in connection with Claim 1 (quoting from *Ex*  
25 *parte Clapp*, (emphasis added):

26 To support the conclusion that the claimed invention is directed to obvious subject matter,  
either the references must expressly or impliedly suggest the claimed invention or the

1 examiner must present a *convincing line of reasoning* as to why the artisan would have  
2 found the claimed invention to have been obvious in light of the teachings of the references.

3 The cited references do not expressly or impliedly suggest the claimed invention and the  
4 Office Action has not presented a convincing line of reasoning. While Rondeau may teach  
5 customized menus for directories, Berry does not teach or suggest providing directories to  
6 passengers.

7 In addition, Berry teaches infrastructure preinstalled on the aircraft for providing  
8 products and services, suggesting that the menu options remain the same and do NOT vary.  
9 For example, Berry teaches at Col. 7, lines 1-12, a terminal (80) installed in first-class  
10 passenger seats having a personal player (86) for playing video cassette tapes (88) or video  
11 discs from a library available on the aircraft. There is NO recognition in this disclosure that  
12 passengers may supply their own equipment for electronic communication with the aircraft  
13 system for accessing a library and thus there is no need to present menu options based on pre-  
14 selected products and services.

15 Berry teaches away from the claimed invention in that the reference teaches a system  
16 employing infrastructure that is incapable of modifying the product offering onboard and thus  
17 has no need for "providing menu options adapted for specific customer preferences that vary  
18 based on pre-selected products and services and historical preference" as recited in Claim 1.  
19 As discussed earlier, MPEP 2145 states that "[a] prior art reference that 'teaches away' from  
20 the claimed invention is a significant factor to be considered in determining obviousness".

21 Accordingly it is respectfully submitted that the Office Action has failed to establish a  
22 prima facie case of obviousness of Claim 7. Namely, a convincing line of reasoning has not  
23 been provided for the combination and even if the combination were proper, it is still does  
24 not teach or suggest all of the recitations of the claim. Hence, reconsideration and withdrawal  
25 of the rejection of Claim 7 is requested. The same is requested for Claims 10-15, which each  
26

1 depend directly or indirectly from Claim 7 and thereby incorporate all of the recitations  
2 thereof by reference.

3 Claim 8 is rejected in the Office Action as obvious over Berry in view of US Patent  
4 No. 5,727,163 to Bezos. The Office Action asserts that "Bezos teaches a laptop or PDA to  
5 place an order." On this basis the Office Action concludes that Claim 8 is obvious, reasoning  
6 that one would have been motivated to modify Berry to include the teachings of Bezos "in  
7 order to incorporate [a] portable device as an alternative to a fixed device."

8 The Office Action acknowledges that "Berry does not explicitly teach that the  
9 electronic devices include passenger supplied personal information processing apparatus  
10 carried on by the passenger." However, as discussed above with respect to Claim 7, not only  
11 is there no such explicit teaching in Berry, the reference teaches away from the claimed  
12 invention in that there is no recognition that passengers could supply their own equipment for  
13 electronic communication with the aircraft system.

14 Namely, Berry teaches at Col. 7, lines 1-12, terminals (80) installed in first-class  
15 passenger seats having personal players (86) for playing video cassette tapes (88) or video  
16 discs from a library available on the aircraft, but does not hint that passengers could play such  
17 media on "passenger supplied personal information processing apparatus carried on by  
18 passengers" as recited in Claim 8. Therefore, Berry teaches away from the claimed invention.

19 As can be seen from the abstract, Bezos teaches a system for using a credit card for  
20 ordering from "a *remote* merchant location (32) from a customer's location (10)" (emphasis  
21 added). That is, the system is for customers to order from a merchant at a remote location  
22 from the customer, which also teaches away from the claimed invention. Specifically,  
23 Claim 8 recites "an onboard computer transported with the vehicle" with the onboard  
24 computer "accepting service orders entered via the electronic devices" that include  
25 "passenger supplied personal information processing apparatus carried on by passengers".  
26 The claim additionally recites that the "service orders are made accessible to vehicle

1 personnel". Accordingly, the customers are not remote from the merchant/store as taught by  
2 Bezos, and to the contrary are co-located therewith on the transport vehicle for fulfillment of  
3 the service orders.

4 Thus, both Berry and Bezos teach away from Claim 8. As discussed previously,  
5 MPEP 2142 states "[a] prior art reference that 'teaches away' from the claimed invention is a  
6 significant factor to be considered in determining obviousness." In this situation, both cited  
7 prior art references teach away from the claimed invention.

8 Accordingly, reconsideration and withdrawal of the rejection of Claim 8 is respectfully  
9 requested. Claim 9 as noted previously, is not discussed in the Office Action.  
10 Notwithstanding, Claim 9 depends from Claim 8 and therefore distinguishes over the prior art  
11 for at least the same reasons as Claim 8. Accordingly, it is believed that both Claims 8 and 9  
12 are in a condition for allowance.

13 Claim 16 is rejected in the Office Action as obvious over a combination of six patents:  
14 (1) Berry, (2) Ross, (3) Rondeau, (4) US Patent No. 5,845,263 to Camaisa et al., (5) US  
15 Patent No. 6,249,774 to Roden et al., and (6) US Patent No. 6,122,620 to Weber.

16 The Office Action contends that Berry, Ross, Camaisa, Rondeau and Roden teach all  
17 of the recitations of Claim 16, "except the step of accessing database information pertaining  
18 to vehicle departure and destination". Nevertheless, the Office Action asserts that this is  
19 taught by Weber at Col. 1, lines 53-65, Col. 2, lines 34-40 and 55-67 and that it would be  
20 obvious to combine this with the teachings of Berry, Ross, Camaisa, Rondeau and Ross "to  
21 collect and disburse information regarding flight information."

22 Applicant traverses the rejection of Claim 16 because the Office action has not  
23 identified where in the cited six references that all of the recitations of Claim 16 are found.  
24 The assertion that the cited references teach the recitations of Claim 16 except "the step of  
25 accessing database information pertaining to vehicle departure and destination" is a  
26 conclusionary statement made without any notation as to how and where the alleged

1 teachings may be found in the cited collection of six references. In addition, no suggestion or  
2 motivation has been provided for the combination of all these references and only alleges a  
3 motivation for combining Weber with the other five references.

4 In the event that that the rejection of independent Claim 16 is maintained under 35  
5 U.S.C. §103, Applicant respectfully requests, in the interests of compact prosecution, an  
6 identification on the record and with specificity sufficient to support a *prima facie* case of  
7 obvious, where in the cited six patents that each recitation of Claim 16 is found. As noted  
8 earlier, Section 2142 of the MPEP provides that “[t]he examiner bears the initial burden of  
9 factually supporting any *prima facie* conclusion of obviousness” (emphasis in original).

10 In addition, Applicant respectfully points out that the Office Action is in error about  
11 what Claim 16 recites. The pertinent portion of Claim 16 does not merely recite “accessing  
12 database information pertaining to vehicle departure and destination” as stated in the Office  
13 Action. In comparison, Claim 16 recites (emphasis added) “accessing database information  
14 pertaining to vehicle departure, destination, *past service orders, and inventory information*”.  
15 The cited portion of Weber has been reviewed and there is no teaching or suggestion  
16 pertaining to past service orders and/or inventory information.

17 Finally, Claim 16 as amended, recites “menu options adapted for specific customer  
18 preferences that vary based on pre-selected products and services and historical preference.”  
19 As discussed earlier, neither Berry nor Rondeau teach or suggest this recitation. Furthermore,  
20 Berry teaches away from the claimed invention in that the reference teaches a system  
21 employing infrastructure that is incapable of modifying the product offering onboard and thus  
22 has no need for “providing menu options adapted for specific customer preferences that vary  
23 based on pre-selected products and services and historical preference” as recited in Claim 16.

24 Accordingly, favorable reconsideration and withdrawal of the rejection of Claim 16 is  
25 respectfully requested. The same is requested for Claims 17-24, which each depend directly  
26

1 or indirectly from Claim 16 and thereby distinguish over the cited art for at least the same  
2 reasons as Claim 16.

### 3 CONCLUSION

4 To promote the policy of compact prosecution, Section 2164.04 of the MPEP  
5 provides in pertinent part that "the first Office action on the merits should present the best  
6 case with all the relevant reasons, issues, and evidence so that all such rejections can be  
7 withdrawn if applicant provides appropriate convincing arguments and/or evidence in  
8 rebuttal." In addition, Section 707.07(g) of the MPEP states that "[p]iecemeal examination  
9 should be avoided as much as possible."

10 It is respectfully pointed out that there have been three Office Actions on the merits  
11 in the present application, with each action applying rejections over prior art on different  
12 grounds. The result has been to effectively subject the application to piecemeal examination,  
13 creating greater delay and adding to the burden and cost of prosecution.

14 Pursuant to 37 CFR 1.112, reconsideration and re-examination of the application is  
15 requested. In view of the above discussion, it is believed to have been shown that all of the  
16 rejections in the Office Action have been overcome.

17 Accordingly, an early Notice of Allowance is solicited. After three Office Actions it  
18 is respectfully submitted that the application has been thoroughly examined. If there are any  
19 questions, please contact the undersigned representative for applicant.

20 Respectfully submitted,

21 

22 Brian P. Furrer, USPTO Reg. No. 37,627